

1 SONAL N. MEHTA (SBN 222086)

2 Sonal.Mehta@wilmerhale.com

3 WILMER CUTLER PICKERING

4 HALE AND DORR LLP

5 2600 El Camino Real, Suite 400

6 Palo Alto, California 94306

7 Telephone: (650) 858-6000

8 Facsimile: (650) 858-6100

9 DAVID Z. GRINGER (*pro hac vice*)

10 David.Gringer@wilmerhale.com

11 ARI HOLTZBLATT (*pro hac vice*)

12 Ari.Holtzblatt@wilmerhale.com

13 MOLLY M. JENNINGS (*pro hac vice*)

14 Molly.Jennings@wilmerhale.com

15 WILMER CUTLER PICKERING

16 HALE AND DORR LLP

17 1875 Pennsylvania Ave NW

18 Washington, DC 20006

19 Telephone: (202) 663-6000

20 Facsimile: (202) 663-6363

21 *Attorneys for Defendant*

22 FACEBOOK, INC.

23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 MAXIMILIAN KLEIN and SARAH GRABERT,
20 individually and on behalf of all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 FACEBOOK, INC., a Delaware corporation,

25 Defendant.

Case No. 5:20-cv-08570-LHK

**DECLARATION OF DAVID Z.
GRINGER IN SUPPORT OF
FACEBOOK'S MOTION FOR
ADMINISTRATIVE RELIEF TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

1 I, David Z. Gringer, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent
3 Defendant Facebook, Inc. in the above-captioned action.

4 2. On January 25, 2021, as part of discussions on the potential relation of the
5 recently filed putative class action antitrust lawsuits, I emailed counsel for plaintiffs in this action
6 and asked how they proposed to treat *Rosenman*. The next day, counsel for the plaintiffs
7 responded that they do not oppose assigning *Rosenman* to this Court so long as briefing on any
8 motion to remand does not delay their case.

9 3. On February 3, 2021, my colleague Molly Jennings emailed counsel for plaintiffs
10 in the *Rosenman* action and asked whether plaintiffs would stipulate to Facebook's motion for
11 administrative relief to consider whether *Klein* and *Rosenman* should be related. The next
12 morning, counsel for plaintiffs requested Facebook's draft motion so they could draft a statement
13 of their position. Within two hours, Ms. Jennings provided further information about Facebook's
14 reasoning for seeking to relate the cases and explained to counsel that they could support or
15 oppose the motion, and if they opposed would have the opportunity to submit a response setting
16 forth their position. That evening, Ms. Jennings sent a subsequent email requesting a response
17 by 12pm PT on February 5. Plaintiffs' counsel has not responded as of the filing of this
18 declaration.

19 4. The Complaint in *Rosenman* is attached as Exhibit 1 to this declaration.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on this 5th day of February, 2021 in Washington, District of Columbia.

22
23 By: /s/ David Z. Gringer

24 David Z. Gringer
25
26
27
28

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: February 5, 2021

/s/ Sonal N. Mehta

Sonal N. Mehta